

payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be relabeled to conform with the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16635. Adulteration and misbranding of assorted jellies. U. S. v. 33 Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23085. I. S. Nos. 02032, 02033, 02034. S. No. 1167.)**

On September 22, 1928, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 33 cases of assorted jellies, remaining unsold in the original packages at Detroit, Mich., alleging that the articles had been shipped by the Royal Remedy & Extract Co., from Dayton, Ohio, June 16, 1928, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Souders Apple Pectin Jelly Raspberry (or "Strawberry" or "Blackberry") Flavor Royal Remedy & Extract Co., Dayton, Ohio."

It was alleged in the libel that the articles were adulterated in that pectin had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength, in that pectin jellies, artificially colored, had been substituted for the said articles and in that the articles were colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statements, "Raspberry Flavor," "Strawberry Flavor," and "Blackberry Flavor," borne on the labels, were false and misleading and deceived and misled the purchaser; and for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On November 8, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16636. Adulteration and misbranding of Kalas-Kaviar. U. S. v. 670 Cans, et al., of Kalas-Kaviar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23327. I. S. Nos. 04536, 04540. S. No. 1438.)**

On January 12, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 670 small-sized cans and 190 large-sized cans of Kalas-Kaviar at Chicago, Ill., alleging that the article had been shipped by G. W. Sheldon & Co., from New York, N. Y., May 10, 1928, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "The Monk Codroe Kaviar Swedish Net Weight 3½ oz. (or "Net Weight 6 oz.')." The 6-ounce cans of the product were further labeled: "Preserved with 0.4% Benzoic Acid."

It was alleged in the libel that the article was adulterated in that it contained added deleterious ingredients, to wit, coal tar dye and salicylic acid, which might have rendered it injurious to health.

Misbranding was alleged in the libel in that the statement "Preserved with 0.4% Benzoic Acid" was false and misleading and deceived and misled the purchaser, since the product contained no benzoic acid, and in that the article was sold under the distinctive name of another food, caviar, which it purported to be. The misbranding charge recommended by this department was that the portion of the product contained in 6-ounce cans was misbranded in that the statement "Preserved with 0.4% Benzoic Acid," borne on the label, was false and misleading and deceived and misled the purchaser.

On July 24, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*